

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
: 18cr447 (DLC)
-v- :
: ORDER
IAN PADMORE, :
:
Defendant. :
:
----- X

DENISE COTE, District Judge:

In October 25, 2018, Ian Padmore entered a plea of guilty to possession with intent to distribute 100 grams and more of heroin and 500 grams and more of cocaine in violation of 21 U.S.C. § 841(b)(1)(B). On February 15, 2019, this Court sentenced Padmore principally to a 60-month term of imprisonment, which was the mandatory minimum term of imprisonment. At the sentencing, the Court requested that the Bureau of Prisons ("BOP") evaluate Padmore for two health conditions.

Padmore is 36 years old. He is incarcerated at the United States Penitentiary Lewisburg. The Bureau of Prisons projects that Padmore will be released in June 2023. In May 2020, Padmore requested release pursuant to § 3582 from the warden of his facility. That request was denied on May 21, 2020.

In a petition to this Court, Padmore requested that he be released to home confinement pursuant to 18 U.S.C. § 3624(c) or, in the alternative, that his sentence be reduced pursuant to 18 U.S.C. § 3582(c)(1)(A).¹ An Order of September 22 denied Padmore's request to be released to home confinement under § 3624(c) and ordered the Government to respond to the motion brought under § 3582. The Government opposed the § 3582 motion on October 6.

Once a petitioner fulfills the statutory exhaustion requirement, the Court may reduce the petitioner's sentence, if after consideration of the § 3553(a) factors, it finds "extraordinary and compelling reasons" warrant such a reduction. 18 U.S.C. § 3582(c)(1)(A)(i). As the Court of Appeals for the Second Circuit has explained, in the wake of the First Step Act of 2018, Pub. L. 115-391, 132 Stat. 5194, district courts are tasked with "independently . . . determin[ing] what reasons, for purposes of compassionate release, are extraordinary and compelling." United States v. Brooker, 976 F.3d 228, 235 (2d Cir. 2020) (citation omitted).

Padmore's petition is denied. The Government does not contend that he has failed to meet the statutory exhaustion

¹ The petition bears the date July 2020, reflects a September 12, 2020 postmark, and was received and docketed by this Court on September 17, 2020.

ORDERED that the September 17, 2020 motion pursuant to 18
U.S.C § 3582(c)(1)(A) is denied.

SO ORDERED:

Dated: New York, New York
December 18, 2020



DENISE COTE
United States District Judge

Copy mailed to:
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